

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ALONZO LOPEZ-ALVARENGA,

Petitioner,

v.

CURRENT OR ACTING FIELD OFFICE
DIRECTOR, SAN FRANCISCO FIELD
OFFICE, UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT, et al.,

Respondents.

Case No. 1:24-cv-00775-EPG-HC

ORDER DENYING PETITIONER'S
MOTION TO TRANSFER

(ECF No. 16)

Petitioner David Alonzo Lopez-Alvarenga is a federal immigration detainee proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The parties have consented to the jurisdiction of a United States Magistrate Judge. (ECF Nos. 15, 17, 18.)

Petitioner filed a petition for writ of habeas corpus in the United States District Court for the Northern District of California on July 18, 2023. (ECF No. 1.) On September 29, 2023, the United States District Court for the Northern District of California issued an order to transfer the petition to this Court. (ECF No. 6.) On July 3, 2024, the case was transferred. (ECF No. 7.)

On July 26, 2024, Petitioner filed the instant motion requesting that his case be transferred back to the Northern District of California because he is “currently being detained in Mesa Verde Detention Center.” (ECF No. 16.) The Mesa Verde Detention Center is located in Bakersfield, California, which is within the jurisdiction of the Eastern District of California.

1 “Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the
2 United States, he should name his warden as respondent and file the petition in the district of
3 confinement.” Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004). The Ninth Circuit has “affirm[ed]
4 the application of the immediate custodian and district of confinement rules to core habeas
5 petitions filed pursuant to 28 U.S.C. § 2241, including those filed by immigrant detainees.” Doe
6 v. Garland, 109 F.4th 1188, 1199 (9th Cir. 2024).

7 Based on the foregoing, this Court has jurisdiction over the petition. Accordingly,
8 Petitioner’s motion to transfer (ECF No. 16) is DENIED.

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10 IT IS SO ORDERED.

11 Dated: November 1, 2024

12 /s/ Eric P. Grogan
13 UNITED STATES MAGISTRATE JUDGE
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